

BLAST

Confidential for Ruth/Ray Nader, President of Citizens Against Blast (CAB)

Two years ago, you moved into the Great Northern District of Anytown in southern Minnesota. The District consists of approximately two blocks of homes, a courthouse, a library and a jail. All of the buildings in the District were built in the mid-1880s to house railroad officials; they were constructed in whole or in part with the unique sandstone quarried nearby.

When you bought your home, the District was in a deteriorated state. Your home was no exception. You and your spouse spent a significant amount of money and sweat equity to restore it to its former beauty. And, while you were laboring away, several other like-minded pioneers bought and renovated other homes in the District. The District is now quite beautiful; you have even thought of purchasing another home to turn it into a bed-and-breakfast for the weekend tourist trade from the Twin Cities. Also, due in part to your efforts, the District recently was designated a Historic District by the State.

Blast, Inc. operates the sandstone quarry just north of the town's limits. The quarry has been there for many years. Blast bought out the former owners just after you bought your home. You understand from your neighbors that, when Blast began operations, the noise and vibrations from the company's blasting activities increased markedly. All you know is that you can feel the house shake whenever there is a blast; it is very unpleasant and you fear that the blasting will damage your home. (You have noticed hairline cracks in the basement; you are not sure that they have been caused by the blasting but you suspect that is the cause.)

The blasting occurs seven days a week, approximately twice a day. There seems to be no fixed schedule. Sometimes, the blasting occurs very early in the morning or very late at night.

Early on, you wrote to the President of Blast regarding your concerns about the effects of the blasting. S/he made sympathetic noises but referred to the need for industry and jobs in the depressed Anytown area. S/he also claimed that Blast is operating within the limitations of the noise permit issued by the Pollution Control Agency (PCA). Blast also claimed that, based on some informal measurements taken by your staff six months ago, the vibrations resulting from the blasting were no greater than those caused by a passing train and that the vibrations should not cause any damage to the buildings located in central Anytown. This concern for "the letter but not the spirit of the law" outraged you.

You also visited the Mayor and members of the Town Council. They refused to do anything that could alienate Blast or cost any townspeople their jobs. You reminded the officials that you are a taxpayer and voter, but it seemed that you just did not count.

Frustrated, you formed CAB with the other residents of the Great Northern District. On behalf of CAB, you have written to the local and Twin Cities newspapers, radio stations and television stations. You have also gone to the PCA for help. The PCA confirmed that, as far as they know, Blast is operating within the limitations of its noise permit. They did indicate that the recent designation of the District as a Historic District could make a difference.

You have learned that Blast is now requesting an amendment to its noise permit which will allow Blast to expand its blasting activity and to quarry a seam of sandstone which is located nearer Anytown's northern border. You are appalled and you have contacted the PCA to object to any amendment to the present permit.

CAB is very interested in pursuing a contested case hearing, but does not have much money for legal or expert fees. You might be able to interest other, larger environmental organizations in the case, but you are not sure.

You want the blasting to stop, but you do not expect that will happen. You definitely cannot permit the blasting to become worse. So, your aim is to impose limits on the timing of the blasts, their intensity and/or their number. Or to get money to compensate members of the Great Northern District for the assault upon their homes and their lives.

It was the PCA who suggested that you all meet with a mediator to see if you could work something out. You agreed.